

60130-817
00MRA0208/0224REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the most recent Office Action. Claims 1, 3-5, 22, and 23-26 are amended above. Claims 3 and 4 are presented in independent form. Claims 2 and 27 have been cancelled. Applicant respectfully requests reconsideration of this application.

Applicant respectfully submits that none of the claims can be considered to be anticipated by the *Grimme, et al.* reference. That reference requires a carrier plate 10 that wraps around sidewalls and extends at least partially onto oppositely facing surfaces of a friction material block 20. Accordingly, claims 1 and 18 cannot be anticipated.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 of claims 5-9 and 18-22, which rely upon the *Grimme, et al.* reference. As just pointed out, the *Grimme, et al.* reference requires an arrangement that cannot be considered the same as what is claimed by Applicant. Any combination proposed with the *Grimme, et al.* reference will not be the same as the claimed invention.

Applicant respectfully submits that claim 1 and all claims dependent from it are allowable.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 of claim 3 based upon the combination of the *Grimme, et al.* and *Stahl* references. There must be some motivation to make a combination in order to establish a *prima facie* case of obviousness. Where there is no benefit to making a combination, there is no motivation and no *prima facie* case of obviousness. In this instance, the combination of *Grimme, et al.* and *Stahl* cannot be made because there is no benefit to doing so. *Grimme, et al.* provides an arrangement where the carrier plate 10 material wraps around the friction

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material block 20. That is how the two materials are secured together. There would be no benefit to adding the adhesive of *Stahl* to the arrangement of *Grimme, et al.* because *Grimme, et al.* has already secured the pieces together once the carrier plate 10 is molded into place. Further, the specific technique disclosed by *Grimme, et al.* where the carrier material "penetrates" the friction block appears to indicate that an adhesive would interfere with the process that *Grimme, et al.* proposes to use to secure the pieces together.

The combination of *Grimme, et al.* and *Stahl* cannot be made and claim 3 cannot be considered obvious.

Applicant respectfully traverses the rejection of claim 4 under 35 U.S.C. §103 based upon the combination of *Grimme, et al.* and *Kwolek*. As noted above, *Grimme, et al.* discloses a specific arrangement for securing the carrier plate 10 to the friction material block 20. There is no benefit to adding riveting as disclosed by *Kwolek*. The pieces are already secured together once the plate 10 is molded into place. Later adding rivets would be redundant, at best. Accordingly, there is no motivation to combine and no *prima facie* case of obviousness. Claim 4 cannot be obvious because the combination of *Grimme, et al.* and *Kwolek* cannot be made.

Applicant respectfully traverses the rejection of claims 23-24 and 27 under 35 U.S.C. based upon the combination of *Grimme, et al.* and *Kearsey*. Even if the combination could be made, the result is not the same as the claimed invention. Neither *Grimme, et al.* nor *Kearsey* contemplate an arrangement where a wet disc brake plate has a body that is the same material throughout the entire body. *Grimme, et al.* and *Kearsey* include multiple materials in their arrangements. Therefore, even if one could find

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adequate motivation to use the component of *Grimme, et al.* in a wet disc brake assembly, which Applicant disputes, the result would not be the same as what is claimed.

The proposed combinations of *Grimme, et al.* and *Kearsey with Ohya, et al.* against claim 26 and the proposed combination of *Grimme, et al.* and *Strasser, et al.* with *Lam* against claim 25 similarly fail. Claim 23 and all claims depending from it are allowable.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Applicant believes that additional fees in the amount of \$86.00 are necessary for one additional independent claim. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds in the amount of \$86.00.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

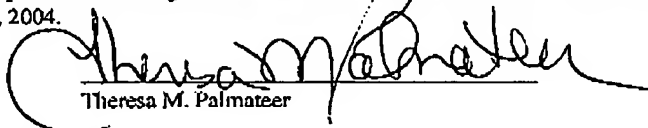
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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on January 2, 2004.


Theresa M. Palmateer

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